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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,566	11/21/2005	Lionel Nicholas Mantzavis	000015.P001	3937
53418 7590 09/29/2010 HAHN AND MOODLEY, LLP 3333 Bowers Avenue Suite 130 Santa Clara, CA 95054				
EXAMINER				
DESAL, HEMANT				
ART UNIT		PAPER NUMBER		
3721				
NOTIFICATION DATE		DELIVERY MODE		
09/29/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/532,566

**Applicant(s)**

MANTZIVIS, LIONEL NICHOLAS

**Examiner**

Hemant M. Desai

**Art Unit**

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 and 48 is/are pending in the application.
- 4a) Of the above claim(s) 20-34, 41-46 and 48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 35-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4, 6-7, 13-14 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Poklukar (WO 91/04918).

Poklukar discloses a method of forming a bag, the method including providing an elongate tubular member (61, figs. 11-12) having opposed ends (61a, 61b), at least one end of which defines an open mouth, folding opposed portions of the tubular member to extend at least partially across the mouth (see figs. 11-12), positioning a panel (114) to extend across the opposed portions, and securing the panel and the opposed portions together (117, 118) thereby to form a base of the bag (see figs. 1, 11, 18 and 22) to close the mouth at the at least one end of the tubular member, which meets all the claimed limitations.

Regarding claim 2, Poklukar discloses that securing the panel and the opposed portions together includes securing a first portion of the panel and the opposed portions together so as to define at least one free portion of the panel which is free of the opposed portions (see figs. 11-12).

Regarding claim 4, Poklukar discloses to secure a first portion of the panel and the opposed portions together includes securing a generally middle portion of the

panel and the opposed portions together so as to define two opposed free portions (120, 121) of the panel which are free of the opposed portions.

Regarding claims 6, 13, Poklukar discloses that the opposed portions of the tubular member are folded along a fold line and the at least one free portion of the panel extends beyond the fold line.

Regarding claims 7, 14, Poklukar discloses to secure the free portion of the panel to the tubular member beyond the fold line.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poklukar in view of Wood (4877337).

Poklukar, as explained above, discloses all the claimed limitations, except for to form an aperture in the at least one free portion of the panel thereby to define a handle. However, Wood discloses that it is well known in the art of bag making to provide the aperture in the at least one free portion of the panel (see fig. 18) thereby to define a handle. Thus, it would have been obvious to one of ordinary skill in the art to provide the aperture in the at least one free portion of the panel in the method of Poklukar to provide batter grip as taught by Wood. Using the known technique of providing aperture

for providing handle in the bag of Wood would have been obvious to one of ordinary skill. ***KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007).**

5. Claims 8-12, 15-19 and 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poklukur in view of Rossiger (4691368).

Poklukur, as explained above, discloses all the claimed limitations, except for forming a cuff formation. However, Rossiger discloses that it is known in the art to provide the handle by cuff formation (36, fig. 7) to provide stronger handles. Thus, it would have been obvious to one of ordinary skill in the art to provide the cuff formation in the method of Poklukur to provide stronger handles as taught by Rossiger. Using the known technique of cuff forming for providing strong handle in the bag of Wood would have been obvious to one of ordinary skill. ***KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007).**

Regarding claims 35-40, the method of Poklukur as modified by Rossiger meets all the claimed limitations.

#### ***Response to Arguments***

6. Applicant's arguments filed 8/5/2010 have been fully considered but they are not persuasive. In response to applicant's argument that "Applicant's panel forms the base of the bag whereas Pokluka's bridge member 114 is a part of the handle 10. Therefore Poklukur does not disclose the limitations of independent claim 1.". Note that, Examiner interprets that the folded opposed end and the panel (114) form the base of the bag, shown in figs. 1, 11, 18 and 22. Applicant is not claiming that the panel is positioned

across the width of the bag to form the base of the bag. Note that references 5,158,368; 4,539,705 and 2,383,029 cited herewith discloses that the panel is positioned across the width of the bag to form the base of the bag.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hemant M Desai/  
Primary Examiner, Art Unit 3721